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THE
MYSORE GAZETTE.
Vol. XXXII.] Published by Authority. [No. 41.

BANGALORE, THURSDAY, OCTOBER 14, 1897.

PART III.

ACTS AND REGULATIONS PASSED BY THE GOVT. OF MYSORE.

LEGISLATIVE DEPARTMENT.

REGULATION No. III OF 1897.

(PASSED ON THE SECOND DAY OF OCTOBER 1897.)

The Mysore Mines Regulation.

A Regulation to prevent the Theft of Mining Materials, and to provide for the Regulation and Inspection of Mines, and for the Sanitation of Mines and their neighbourhood.

Preamble.

Whereas it is expedient to make special provision to prevent the theft of mining materials in the Territories of Mysore, and to prevent and punish the offence of receiving and disposing of stolen mining materials; and whereas it is further expedient to make provision for preventing danger to human life or safety, and for the sanitation of the mines and their neighbourhood: Her Highness the Maharani-Regent is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Mines Regulation, 1897."

Local extent and commencement of Regulation.

It extends to the whole of the Territories of Mysore and shall come into operation on the passing thereof.

Interpretation.

Mining operation.

2. In this Regulation, "Mining operation" shall include—

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage, and use of all explosives, chemicals and other materials to be employed in such work.

Mine.

"Mine" includes every place where any mining operation is carried on.

Mining Proprietor.

"Mining Proprietor" or "Proprietor" means and includes any person or persons or company on whose behalf any mining operations are carried on.

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"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining Superintendent.

Mining materials.

"Mining materials" shall include:—

(1) gold-bearing quartz, native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge-gold and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals and materials used in such treatment and extraction;

(3) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations; and

(4) such other materials and things used or intended to be used in mining operations as may be declared by the Government of Mysore from time to time by notification published in the official Gazette to be mining materials.

Inspector of Mines.

"Inspector of Mines" shall include any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, either by general or special order of the Government of Mysore, so far as the performance of such duties is concerned.

PROTECTION OF MINING PROPERTY.

Sections 4, 5, 6, 7 and 8 may be applied to specified areas.

3. The Government of Mysore may, by notification in the official Gazette, direct any specified area to be brought under the provisions of Sections 4, 5, 6, 7 and 8 of this Regulation, and may, by like notification, cancel or modify such direction.

Mining materials not to be purchased or removed without written permission.

4. Within any area included in a direction under Section 3, no person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive or remove any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor.

License required for goldsmiths, etc.

5. It shall not be lawful for any person, within any area included in a direction under Section 3, to carry on the profession of a goldsmith or engage himself in the melting of gold or in the manufacture of articles of gold without a license in writing obtained for that purpose as hereinafter provided.

Power to grant or cancel a license.

6. A Magistrate of the first class may issue the license referred to in Section 5, and such license shall remain in force till the last day of the official year in which it is issued. On every such license there shall be levied such fee as the Government of Mysore may, by rule, prescribe in that behalf.

A Magistrate of the first class may, for any good and sufficient cause recorded by him in writing, cancel any such license before the expiry of the year for which it is granted, or decline to grant the license for a fresh year. Such an order, if passed by a Magistrate other than the District Magistrate, shall be appealable to the District Magistrate, whose order shall be final.

Power to search.

7. Any Police officer not below the rank of an officer in charge of a Police station, may search any person or any house, building or place for the discovery of any mining material or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Penalty for unlawful possession of mining materials.

8. Any person found within any area included in a direction under Section 3, to be in possession of any mining materials without the written permission of a Mining Proprietor or Superintendent within the aforesaid area, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Penalty for breach of Sections 4 and 5.

9. Any person committing a breach of any of the provisions of Sections 4 and 5 of this Regulation, shall be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Substitution or addition of whipping in certain cases

10. It shall be in the discretion of the Magistrate, in the case of any person, not being a female, who shall be convicted of a second offence under Sections 8 and 9 of this Regulation, to award whipping under the provisions of Act. No. VI of 1864 (*an Act to authorize the punishment of whipping in certain cases*) or of any other law for the time being in force in that behalf, either in substitution of, or in addition to, the penalties provided by this Regulation.

SAFETY OF PERSONS.

Government may frame general or special rules.

11. All mining operations carried on in the Territories of Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with such mining operations, as may, from time to time, be prescribed in that behalf by the Government of Mysore.

Further rules.

12. Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government of Mysore, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

Provided that the Government of Mysore shall have power to cancel or vary any sanction granted under this section.

Publication of rules.

13. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under Sections 11 and 12 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

Penalty for breach of rules.

14. Every person who contravenes, or does not comply with, any rule duly prescribed, shall, for every such offence, be liable to a fine not exceeding one hundred rupees; and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever being proved, the Superintendent of the mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rule in the working of the mine, to prevent such contravention or non-compliance.

Appointment of Inspector of Mines.

15. The Government of Mysore may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under Sections 11 and 12 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

Powers of Inspector.

16. The Inspector of Mines shall have power to do all or any of the following things, namely :—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied with in the case of any mine;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not unreasonably to impede or obstruct the working of the mine;

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duty under this Regulation.

The examination and inquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government of Mysore, delegate the same.

Mining Proprietor or Superintendent to afford facilities to Inspector.

17. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of defects by the Inspector of Mines.

18. If the Inspector of Mines finds that in any mining operation the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to Magistrate and Government.

19. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government of Mysore, a copy of every notice under Section 18 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government of Mysore every non-compliance with a notice issued under Section 18.

Objection by Mining Proprietor.

20. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under Section 18, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof to the Government of Mysore, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation:

Provided that nothing in this section shall affect the powers of a Magistrate under Section 144 of the Code of Criminal Procedure.

Rules for Arbitration.

21. Arbitrations under this Regulation shall be conducted in accordance with the following provisions:—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government of Mysore, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties, shall nominate another person as umpire

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the first class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final:

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their

GENERAL.

27. Whenever a punishment of fine is prescribed in this Regulation, the Court may sentence the offender also to such imprisonment as may be awarded under Section 67 of the Indian Penal Code, in case of default of payment of fine.

Imprisonment for default of payment of fine.

28. The Government of Mysore may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores. and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Rules requiring returns, and delivery of specimens.

29. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Abetment of offences under this Regulation.

30. Nothing in this Regulation shall be deemed to affect the liability of any person to be tried and convicted under the Indian Penal Code for any offence punishable under that Code which may be committed by him:

Saving of liability for punishment under the Indian Penal Code.

Provided that a person shall not be punished twice for the same offence.

31. All offences against this Regulation and all breaches of any rules made thereunder shall be cognizable by the District Magistrate or a Magistrate of the first class.

Offences against Regulation and rules by whom cognizable.

32. The provisions of the Code of Criminal Procedure (Regulation I of 1886) relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Provisions of the Code of Criminal Procedure to apply to searches.

33. All rules made under this Regulation shall be published in the official Gazette and shall thereupon have the force of law. The Government of Mysore may, in like manner, modify or cancel any such rule.

Publication of rules.

K. SHESHADRI IYER,
Dewan of Mysore.